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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

19 Coordination Proceedings Special Title (Rule  
20 1550(b))  
21 IN RE NATURAL GAS ANTI-TRUST CASES  
22 I, II, III, IV  
23 This Document Relates To:  
24 ALL PRICE INDEXING CASES

JCCP Nos. 4221, 4224, 4226, and 4228

**[PROPOSED] ORDER REGARDING  
PLAINTIFFS' McKESSON MOTION TO  
COMPEL AGAINST ALL DEFENDANTS  
RE PRIVILEGED DOCUMENTS  
PROVIDED TO THIRD PARTIES**

24 On December 14, 2006, the Court informally heard the request of the Independent  
25 Plaintiffs for an Order Compelling Defendants to Produce Privileged Documents Provided to  
26 Third Parties. Nancy L. Fineman of Cotchett, Pitre, Simon & McCarthy appeared for Independent  
27 Plaintiffs; Barry Himmelstein of Lieff, Cabraser, Heiman & Bernstein, LLP, appeared by  
28

1-24-07  
RP

1 telephone, and Scott Yundt of Murray & Howard appeared for the Class Plaintiffs; Bennett G.  
2 Young of LeBocuf, Lamb, Greene & MacRae LLP appeared on behalf of Aquila Merchant  
3 Services, Inc.; Joshua D. Lichtman of Fulbright & Jaworski LLP appeared on behalf of Coral  
4 Energy Resources, LP; Christopher J. Healey of Luce, Forward, Hamilton & Scripps appeared on  
5 behalf of Reliant Energy Services; Douglas T. Tribble of Pillsbury Winthrop Shaw Pittman, LLP  
6 appeared on behalf of Dynegy Inc. and Dynegy Power Marketing and Trade; Orly Z. Elson of  
7 Sullivan & Cromwell LLP appeared on behalf of Defendant WD Energy; and Mark H. Hamer of  
8 DLA Piper US LLP appeared on behalf of Defendants The Williams Companies, Inc. and  
9 Williams Power Company, Inc.

10 After discussing this matter with counsel and obtaining an informal resolution of this  
11 matter, the Court finds and orders as follows:

12 1. By **Friday, December 22, 2006**, Plaintiffs will identify to each Defendant, in  
13 writing, the requests for production of documents directed to such Defendant as to which Plaintiffs  
14 intend to move to compel production of documents on the ground that the work product protection  
15 or any applicable privilege has been waived as to such documents as a result of the production of  
16 such documents to a third party.

17 2. By **Friday, December 22, 2006**, any Defendant who is asserting a timeliness  
18 objection to the motion is to notify Plaintiffs in writing that it will be asserting that objection.

19 3. Defendants shall meet and confer among themselves to develop a standardized  
20 chart or grid. The chart or grid shall identify for each Defendant the documents that are  
21 responsive to the document requests identified by Plaintiffs which that Defendant withheld on the  
22 ground of privilege or work product protection and which were produced to third parties. The  
23 chart or grid should also group, to the extent practical, the legal and factual issues that underlie  
24 Defendants' claims of privilege or work product protection. For any Defendant who has  
25 particularized issues, the grid should also identify those issues. Defendants shall also consider if  
26 there are other means of streamlining the resolution of these issues and shall report to the Court  
27 the results of their discussions.

28 4. The Court will hold a hearing on **January 8, 2007 at 1:30 p.m.** At that time, each

1 Defendant is to provide a grid to the Court and counsel for the Independent Plaintiffs and Class  
2 Plaintiffs.

3 5. Prior to the January 8, 2007 hearing, the parties shall meet-and-confer to try to  
4 reach an agreement about a briefing schedule and the format of the briefs, and present any  
5 agreements to the Court in the form of a proposed order.

6 **IT IS SO ORDERED.**

7 DATED: JAN 23 2007

*[Signature]*  
Hon. Ronald S. Prager  
Coordination Trial Judge

8  
9 *Duplicate Copy KS 1/25/07*  
10 APPROVED AS TO FORM:

11 Dated: 12/22/06

LeBOEUF, LAMB, GREENE & MacRAE LLP

13 *[Signature]*  
14 Bennett G. Young  
On behalf of all Defendants

15 Dated: 12/22/06

16 COTCHETT, PITRE, SIMON & MCCARTHY

17 *[Signature]*  
18 Nancy L. Fineman  
On behalf of the Independent Plaintiffs

19 Dated: 12/22/06

20 LIEFF, CABRASER, HEIMAN & BERNSTEIN, LLP

21 *[Signature]*  
22 Barry Himmelstein / B.G.H.  
23 Barry Himmelstein  
On behalf of the Class Plaintiffs.